

## UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of Tennessee

CIVIL Division

2019 SEP -4 P 1:57

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

DEPT. CLERK

KENNETH WEITZEL  
367 SOUTHSORE DRIVE  
GREENBACK, TN. 37742

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.  
If the names of all the plaintiffs cannot fit in the space above,  
please write "see attached" in the space and attach an additional  
page with the full list of names.)

-v-

SHERRY MELANCON and CARLYLE MELANCON  
C/O COURTNEY P. WALKER Esq.  
P.O. BOX 869  
KNOXVILLE, TN. 37901-0869

Defendant(s)

(Write the full name of each defendant who is being sued. If the  
names of all the defendants cannot fit in the space above, please  
write "see attached" in the space and attach an additional page  
with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KENNETH WEITZEL
Street Address	367 SOUTHSORE DRIVE
City and County	GREENBACK, LOUDON COUNTY
State and Zip Code	TN. 37742
Telephone Number	N/A
E-mail Address	N/A

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	SHERRY MELANCON and CARLYLE MELANCON
Job or Title <i>(if known)</i>	C/O COURTNEY P. WALKER Esq.
Street Address	P.O. BOX 869
City and County	KNOXVILLE, ORANGE COUNTY
State and Zip Code	TN. 37901-0869
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

**Defendant No. 2**

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 3**

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 4**

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 USC 1331-1446 & ARTICLE III U.S. CONSTITUTIONAL RIGHTS

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* KENNETH WEITZEL, is a citizen of the  
State of *(name)* TENNESSEE.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* N/A, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* N/A, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) SHERRY AND CARLYLE MELANCON, is incorporated under the laws of the State of (name) TENNESSEE, and has its principal place of business in the State of (name) TENNESSEE.  
Or is incorporated under the laws of (foreign nation) N/A, and has its principal place of business in (name) N/A.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

PER 28 USC, 1331-1446, INCLUDING, BUT NOT LIMITED TO, INDIVIDUAL CIVIL RIGHTS PERTAINING TO THE CONSTITUTION OF THE UNITED STATES, FEDERAL JURISDICTION IS APPLICABLE AND JUSTIFIED AS THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000. AMOUNT IS STIPULATED AS \$650,000.00.

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

367 SOUTHSORE DRIVE  
GREENBACK, TN. 37742

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B. What date and approximate time did the events giving rise to your claim(s) occur?

These events have especially taken place within the past few years, following the crises and debacles stemming from the Mortgage Meltdown disaster circa 2010. Causes(s) of action exist from divergent paths taken by both the mortgage note and the deed of trust ; E.g., A cloud on all title activity now exists due to no definitive claimant of ownership of the note(s), due to divergent paths taken by both the mortgage note and by the deed of trust.

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Plaintiff's Denial of Right to Due Process and constitutional rights per improper mortgage company procedures, both servicing through an independent broker /realtor, and otherwise, and including, but not limited to, improper noticing for mortgage note and deed activities. (I.e., Divergent paths for both stipulate relevant causes of action). This action cites: Fraud, Negligence, and Misrepresentation attributed to Defendants' multiple violations of ignoring proper loan procedures. Causes(s) of action exist from divergent paths taken by both the mortgage note and the deed of trust ; E.g., A cloud on all title activity now exists due to no definitive claimant of ownership of the note(s), due to divergent paths taken by both the mortgage note and by the deed of trust.

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#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Defendants' claim estate or interest in the real property described in this Complaint adverse to that of Plaintiff, and absent a valid trustee's deed, now set forth as an Absentee Trustee's Deed, as the existence of any valid trustee's deed which could benefit Defendants would be null and void, and in favor of Plaintiff, thereby effecting the necessary cancellation of said deed as Defendants' claims are without any merit. Later compensation therefore is moot, and will only injure plaintiff further. Again, causes(s) of action exist from divergent paths taken by both the mortgage note and the deed of trust ; E.g., A cloud on all title activity now exists due to no definitive claimant of ownership of the note(s), due to divergent paths taken by both the mortgage note and by the deed of trust.

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#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff re-alleges, and incorporates by reference, all preceding allegations implemented in this Complaint as fully set forth herein. Defendants' claim estate or interest in real property described in this Complaint adverse to that of Plaintiff, and absent a valid trustee's deed, now set forth as an Absentee Trustee's Deed, as the existence of any valid trustee's deed which could benefit Defendants would be null and void, and in favor of the plaintiff, thereby effecting the necessary cancellation of said deed as Defendants' claims are without any right, and which Plaintiff now requests; E.g., With no valid trustee's deed. Defendants' have no legal right, title, or interest in real property which is the subject matter of this action, and is more commonly known as: 367 SOUTHSORE DRIVE, GREENBACK, TN. 37742. Accordingly, Plaintiff also seeks monetary and punitive damages in the amount of \$650,000.00.

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/26/2019

Signature of Plaintiff

Printed Name of Plaintiff

  
KENNETH WEITZEL

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

N/A

Printed Name of Attorney

N/A

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address